Secrets. E—27—40,000—27-10-42.

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Home (1947) Department.

MB SERIES.

G.O. No. 3666

Dated 27-9-47

[Despatch Abstract.]

Passport - Visas to Holders of Ministry of Labour permits - Grant of - Instructions - Foreign Office Circular - Recorded.

No.D.7477-PVI/47.
GOVERNMENT OF INDIA.
Ministry of External Affairs and Commonwealth Relations.

Dated New Delhi,3, the 16th September 1947.

The undermentioned paper is forwarded to all Passport Issuing Authorities in India, Director Intelligence Bureau and Ministry of Home Affairs for information (and guidance).

(-) Omit for D.I.B.
& Ministry for
Home Affairs.

By Order, etc.;...

Sd. x x x
UnderSecretary to the Government of India.

Foreign Office Circular No.V.33, dated the 14th July 1947.

/True Copy/

(V.R 89000)

CIRCULAR NO. V. 33,

PASSPORT CONTROL DEPARTMENT,
Foreign Office,
14th July, 1947.

FOR OFFICIAL USE ONLY.

Ministry of Labour Permits.

1. An alien who proposes to enter employment in the United Kingdom may not be given leave to land unless he produces on arrival a permit in writing for his engagement issued to an employer by the Ministry of Labour and National Service or, if the employment is to be in Northern Ireland only, by the Ministry of Labour for Northern Ireland. An alien who proposes to enter employment in the Channel Islands or the Isle of Man must be in possession of a permit issued by the authorities of the Channel Islands or the Isle of Man.

2. An alien who applies for a visa for the purpose of entering employment in the United Kingdom, whether paid or unpaid, should be advised that the correct course is for his or her prospective employer to apply to the Ministry of Labour and National Service, Foreign Labour Division, or, if the employment is to be as a resident female domestic worker in a private household, to the local office of the Ministry of Labour and National Service in the district in which the prospective employer resides.

3. The permit, a four-page document, will be sent direct by the employer to the alien abroad. Where a visa is required, it instructs the alien to produce the permit with his passport or other travel document to the British Passport Control Officer or nearest British Consul in the country in which he is residing, and to apply for a visa. This application must be made within two months of the date of issue of the permit. Where, however, the Passport Control Officer is satisfied that the alien has been ~~sur~~ precluded by circumstances outside his control from applying for a visa within a reasonable period of the date of issue of the permit, ~~Where, however, the Passport Control Officer is satisfied that the alien has been precluded by circumstances outside his control from applying for a visa within a reasonable period of the date of issue of the permit~~ the application should be accepted.

4. Subject to the Passport Control Officer obtaining personal and security clearances in the usual way, on production of the Ministry of Labour permit a visa may be granted without reference, provided that the alien is in possession of a valid national passport, or, in the case of a Stateless person, a Nansen or other valid travel document endorsed with a return visa or re-entry permit good for a period amply covering the period stated on the permit.

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(NOTE:- It is important that this proviso be strictly observed, and if a Stateless person cannot obtain a return visa or re-entry permit amply covering the period stated on the Ministry of Labour permit, a visa should not be granted without referrence).

5. Visas granted to the holders of permits should be endorsed "M.L.P. NO." .....".

6. The periods of employment for which Ministry of Labour permits are issued vary and are shown on the face of the permits. If the period exceeds three months, a continuous visa "good for journeys to the United Kingdom within twelve months" may be granted, subject to "reciprocal treatment" as defined in circular No.V/27 (VR 10986) of the 11th May, 1947.

7. Where a visa is granted to a male alien who is in possession of a Ministry of Labour permit in respect of employment for a period of at least one year, visas to accompany him may be granted to the man's wife and any child of, and living with, him who is under the age of 18, if a boy, or 21, if a girl. Such visas should be marked "Accompanying the holder of M.L.P. No. "

8. Visas should not be granted to dependants of other holders of Ministry of Labour permits, in particular, female domestic servants; but cases where a woman has a small child whom it would be a hardship to leave behind while she is in the United Kingdom may be referred for consideration on compassionate grounds.

9. When a visa has been granted to the holder of a Ministry of Labour permit, the permit itself must be returned to the applicant for production to the Immigration Officer at the port of arrival.

10. In cases of urgency, where a permit has been issued by the Ministry of Labour and National Service, but there is not sufficient time to forward the actual document to the visa applicant telegraphic instructions are sometimes sent authorising the grant of a visa. In such cases the visa may be granted without production of the actual permit (which will usually be sent to the Immigration Officer at the port of arrival) but the visa should be endorsed with the number of the permit, which will be quoted in the telegram.

11. The possession of a Ministry of Labour permit does not mean that a visa must invariably be granted. A substantial reason for refusal, however, should always exist where a permit has been issued, and a report in triplicate submitted immediately for the information of the departments concerned.

12. These instructions do not restrict the grant of visas to aliens in respect of whom visas have been authorised by the Home Office, nor to certain classes of aliens in respect of whom authority to grant visas has been delegated, for example, those signalled "Code Q" or "5746A", even though the alien proposes to take employment.

13. In addition to the ordinary straightforward cases of employment, a permit is necessary also for a foreigner going to the United Kingdom:--

(i) As a student employee or trainee in a commercial or industrial establishment, whether paid or unpaid (but not if he is going to study wholetime at a University or technical college, school or institute, though he may be learning a trade or business, or qualifying for a profession, there).

(ii) As a person who proposes to reside in a private household, school or other institution, in any capacity under arrangements described

as "au pair".

(iii) As a passenger for employment on a dredger operating in British waters, but an exception may be made in the case of a man who is returning to the same employment after a short absence abroad.

(iv) For engagement in professional sport, for example, boxing, wrestling, football, lawn-tennis, dirt track motor cycle racing, & C.(but see paragraph 14 (xv).

(v) For engagement as a professional musician or vocalist (including) complete orchestras).

(vi) For employment as a stage, variety, circus, ballet or film artist (including complete stage or ballet companies).

(vii) For employment as a film producer, director of technician, whether paid from outside the United Kingdom or not.

(viii) For employment as an osteopath.

(ix) For subordinate employment on transfer by a firm abroad to a branch in the United Kingdom, including, for example, employment in a foreign travel agency or railway such as the Swiss Travel Agency or the French State Railways (but see paragraph 14 (iii) and (xiv).

(x) After previous admission under a permit, having subsequently left the United Kingdom after a definite break in his employment.

(xi) When accompanying his or her employer to the United Kingdom after engagement aborad. (For aliens RETURNING to the same employment, see paragraph 14 (xi.) Exceptions may be made in the case of a person rendering personal service, for example, a chauffeur or private secretary, provided that the proposed visit does not exceed three months; for certain female domestic servants - see paragraph 14 (xii); and for male domestic servants of diplomats, & c. - see paragraph 14 (xiii).

14. A permit is not required for an alien going to the United Kingdom:--

(i) As a genuine partner in a commercial or professional firm.

(N.B. "~~Freeee~~- Partnerships " in retail businesses and trades, especially between Italians or Chinese, are frequently created in order to conceal what is in fact employment).

(ii) As a director of a limited liability company established in the United Kingdom.

(iii) As an agent or direct representative of a firm, corporation, business or reputable foreign newspaper or news agency established abroad, provided that the alien will continue to be paid and controlled direct by that firm, &c., from abroad (but see paragraph 13 (ix).

(iv) As a seaman under contract to join a ship in British waters.

(v) As a workman for the purpose of erecting, starting up or repairing foreign-made machinery recently imported, or as a clerk for the purpose of adjusting accounts, provided that the stay in either type of case is not intended to exceed two months.

(vi) As a timber measurer sent to the United Kingdom by a foreign vender to check the measurement of a cargo.

(vii) As a Minister of any religion or as a cantor, reader, kosher slaughterer or other Jewish ecclesiastical Officer,

whether going on trial for a short period or to take up a definite appointment. (These cases are dealt with by the Home Office, not by the Ministry of Labour and National Service, and visas should not be granted without specific authority).

(viii) As a monk or nun for the purpose of entering a monastery or convent of his or her own Order, although the Order may engage in teaching or nursing in addition to religious activities.

(ix) As a doctor or dentist going to take up a professional appointment. (These cases are dealt with by the Home Office, not by the Ministry of Labour and National Service, and visas should not be granted without specific authority).

(x) As a distinguished scholar, who has been invited by a learned society in the United Kingdom to lecture there.

(xi) If already employed in the United Kingdom, on return to the same employment after a visit abroad with his employer or on a holiday.

(xii) As a female domestic servant engaged abroad and accompanying her employer to the United Kingdom, provided that she has already been in the service of that employer abroad for more than two months and is not under 18 or over 50 years of age.

(xiii) As a male domestic servant forming part of the household of, and accompanying, a senior foreign diplomat or Consul transferred to the United Kingdom.

(xiv) As a member of the ground staff of a foreign air line transferred to the United Kingdom to take up duty at an airport there.

(xv) As a participant in an amateur or professional sports meeting, provided that, in the latter case, he will be one of a number of competitors at an international meeting; for example, the open golf championship.

(xvi) As a person in charge of live stock, such as quails, horses or cattle.

15. Applications for visas for the purpose of interviews in connection with prospective jobs in the United Kingdom, for which Ministry of Labour permits would be required, should be referred in case a permit would be refused for the type of employment contemplated. An interview in the United Kingdom in connection with a prospective post abroad (for which a permit would not be required) may be regarded as a reasonable ground for a visit, but the visa should be marked "For interview for post abroad".

16. My circular V/19 of 10th May, 1947 (VR 67048) should now be regarded as cancelled.

M. JEEFES.

To His Majesty's Consular and Passport Control Officers authorised to grant Visas

/True Copy/

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GOVERNMENT OF MADRAS.
Abstract.

PASSPORT - Visas to Holders of Ministry of Labour permits - Grant of - Instructions - Foreign Office Circular.- Recorded.

Home (M) Department.

G.O. Ms. No. 3666. Dated 27th September 1947.
Read the following:

From the Government of India, Ministry of External Affairs, and Commonwealth Relations, C.R.NO. D. 7477-PVI /47, dated 16-9-47.

ORDER:

R e c o r d e d.

/By Order of His Excellency the Governor/

Sd. x x x
Secretary to the Government.

To the Commissioner of Police, Madras.
Copy to the Superintendent of Police, ~~Railways and C.I.D.~~ Special Branch C.I.D, Madras.

/True Copy/

R. Thevarajan 24-11
Office Assistant,
MADRAS RECORD OFFICE.

rds/

24/11 24/11